IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

OP.No. 11246 of 2000(L)

PETITIONER:

KALLINGAL ABOOBECKER HAJI,
S/O. LATE AHMMED KUTTY,
KALLINGAL HOUSE, MANAZHI DESOM,
MELATTUR VILLAGE,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.M. SATHYANATHA MENON

RESPONDENTS:
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1. THE TALUK LAND BOARD, PERINTHALMANNA

2. THE STATE LAND BOARD, THIRUVANANTHAPURAM.

3. THE VILLAGE OFFICER, MELATTUR.

BY GOVERNMENT PLEADER ADV. SHRI K.G. BHASKARAN.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 18596 OF 2000 IN O.P.NO. 11246 OF 2000

DISPOSED OF VIDE JUDGMENT DATED 21.03.2007.

21.03.2007 SD/- K.T. SANKARAN, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

Ext. P1	:	TRUE COPY OF THE RECEIPT OF LAND REVENUE DATED 09.11.1999 ISSUED TO THE PETITIONER.
Ext. P2	:	TRUE COPY OF –DO-- DATED 24.02.1994.
Ext. P3	:	TRUE COPY OF APPLICATION FILED BY THE PETITIONER DATED 14.03.2000.
Ext. P4	:	TRUE COPY OF APPLICATION FILED BY THE PETITIONER DATED 14.03.2000.
Ext. P5	:	TRUE COPY OF THE APPLICATION FOR STAY FILED BY THE PETITIONER DATED 20.03.2000.

/true copy/

P.A. TO JUDGE

K.T. SANKARAN, J.

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O.P. No. 11246 OF 2000

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Dated this the 21st March, 2007

J U D G M E N T

Reliefs prayed for in this Original Petition are the following:

> *"i) Issue a writ of mandamus or any other writ, direction or order directing respondents to pass final orders on Ext. P3 forthwith.*
>
> *ii) Issue a writ of mandamus directing the respondents not to proceed against petitioner's property of an extent of 2.07 acres in Sy. No.8/3A1B.*
>
> *iii) Issue such other writ, direction or order which this Hon'ble Court may deem fit to issue in the circumstances of the case."*

2. The contention of the petitioner is that he owns an extent of 2.07 acres of land in Sy.No. 8/3A1B of Manazhi desom of Melattur village. He got rights in the property as per partition deed No. 2009/1948. Ceiling Proceedings were initiated against Cheriya Ahammed Kutty in S.M.P.No.

306 of 1976 on the file of the Taluk Land Board, Perinthalmanna. It is stated that Cheriya Ahammed Kutty was directed to surrender excess land. It is alleged that on 06.03.2000, the Village Officer, Melattur attempted to take possession of the land belonging to the petitioner mentioned above under the pretext that it belongs to Cheriya Ahammed Kutty who was directed to surrender excess land in S.M.P.No. 306 of 1976. The Petitioner submitted Ext.P3 application under section 85(8) of the Kerala Land Reforms Act before the Taluk Land Board , Perinthalmanna. Ext.P4 application for stay was also filed along with Ext.P3. The grievance of the petitioner is that in spite of Exts. P3 and P4 applications, the third respondent, Village Officer took steps to take possession of the land belonging to the petitioner.

3. Original Petition was admitted and an order of status quo for a period of two months was granted on 06.04.2000. The order of status quo is not seen extended thereafter.

4. Ext.P3 is an application filed by the petitioner under section 85 (8) of the Kerala Land Reforms Act . When an application is filed under section 85(8) of the Kerala Land Reforms Act, the Taluk Land Board shall dispose of the same in accordance with law. Therefore, there will be a

direction to the Taluk Land Board, Perinthalmanna to dispose of Ext.P3 application submitted by the petitioner under section. 85(8) of the Kerala Land Reforms Act after affording an opportunity of being heard to the petitioner . If the possession of the land claimed by the petitioner is not already taken possession of, the status quo as on today shall be maintained till disposal of Ext. P3 application.

Original Petition is disposed of as above.

K.T. SANKARAN,
JUDGE.

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K.T. SANKARAN, J.

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O.P. No. 11246 OF 2000

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Dated this the 21st March, 2007

J U D G M E N T